(1) S.B.Cr.Misc. Bail App. No. 4579/2007
(Papu Singh Vs. State of Rajasthan)

(2) S.B.Cr. Misc. Bail Application No.4696/07
(Bhopal Singh Vs. State of Rajasthan)

Date of order : 25/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. B.S.Rathore for the petitioners.

Mr. V.R.Mehta Public Prosecutor.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned and challan papers.

It is contended by learned counsel for the petitioners that the injury suffered by injured Kesharam on his head is by sharp weapon, whereas it has been alleged by the witnesses that the petitioners were armed with Sariya (Iron Rod) and no such injury has been caused on the head. The other injuries suffered by injured Kesharam are simple in nature on non-vital parts by blunt. So far as other injured Suresh is concerned, he suffered only one injury i.e. Bruise over left upper arm which is simple in nature by blunt object. The statement of injured eye witness Suresh is that both the petitioners were armed with Sariya (Iron Rod) and inflicted injuries on the head of his father. There is only one head injury whereas the injury has been assigned to two persons, which of the accused persons has inflicted the head injury is not clear from the prosecution case.

Looking to the facts and circumstances of the case and the fact that none of the petitioners was said to have been armed with sharp edged weapon, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioners on bail.

Accordingly, the bail applications filed under Sec. 439 Cr.P.C. are allowed and it is directed that petitioners Papu Singh S/o Hari Singh and Bhopal Singh S/o Shaitan Singh be released on bail in FIR No. 141/2007 P.S. Marwar Junction, district Pali, provided each of them executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP